

**TELECONFERENCE  
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS  
HYDROLOGISTS AND SOIL SCIENTISTS  
MINUTES  
WEDNESDAY, DECEMBER 19, 2001**

**PRESENT:** Herb Garn, Joan Underwood, Thomas Evans, David Mickelson, Stephen Donohue, Tracy Benzel, Wayne Lindgren, Robert Karnauskas and Jerry Tyler (present in Room 131)

**EXCUSED:** Fred Birts, Roger Hall and Patrick McGuire

**STAFF PRESENT:** Katharine Hildebrand, Bill Black, and Grace Schwingel

**CALL TO ORDER**

Joan Underwood called the meeting to order at 9:05 a.m. A quorum of 9 members was present.

**AGENDA**

The following item was added to the agenda: "Select Legislators to Meet With"

**MOTION:** Thomas Evans moved, seconded by David Mickelson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVE TALKING POINTS REGARDING SB 156 & AB 358 TO PRESENT TO  
LEGISLATORS**

Thomas Evans indicated that by adopting the substitute amendment to AB 358, the Board's ability to adopt rules related to defining incidental practice of geology has been removed. The Board discussed repealing the substitute amendment which would reinstate the language that gives the Board the ability to adopt rules related to defining incidental practice of geology.

The Board would also like to review the provision relating to exemption of governmental employees.

**GHSS Board positions on issues related to SB 156 and AB 358**

The Board discussed the following issues:

**1. Incidental practice**

- a. Should be allowed
- b. The need for action is currently determined on a case-by-case basis.

- 1) The Board is not seeking out instances of unlicensed practice.
  - 2) The Department of Regulation & Licensing has undertaken no prosecution for unlicensed practice.
- c. Wetland mapping is currently exempt. (Wis. Admin. Code GHSS 1.06)
- 1) When asked by the legislature to deal with a specific profession, the Board has done so by creating an exemption.
  - 2) The Board is willing to work with other professions as directed by the legislature through legislation.
  - 3) Creating the parameters of specific exemptions for specific professions best serves the interests of those affected professions by establishing clear guidelines.
  - 4) An undefined statutory reference to "incidental" practice, as currently proposed, does not provide specific guidance related to specific activities.
- 2. The original language contained in Section 3 of AB 358 should be retained, allowing the Board to promulgate rules that exempt professional activities involving the incidental practice of geology, hydrology or soil science.**
- a. The GHSS Board has worked in the past to talk to affected professionals in the wetland science profession and construct an acceptable exception based upon incidental practice.
  - b. The original language of AB 358-Section 3 says:  
 "470.03(3) Upon the advice of the appropriate section of the examining board, the examining board may promulgate rules that exempt a person who is engaged in a profession related to those listed in s. 470.025(12) from the requirement to obtain a license under this chapter if the practice of the profession by the person involves only the incidental practice of geology, hydrology, or soil science, and the person does not designate himself or herself as a professional geologist, hydrologist, or soil scientist or use any other title, letters, or designation that represents or tends to represent that person as a professional geologist hydrologist, or soil scientist."
- 3. Government employee exemption in SB 156 and AB 358.**
- a. The Board maintains its original position that any practice outside of incidental practice should require GHSS licensure.
    - 1) Licensure will ensure proper qualifications.
    - 2) State employees are often in a policy-making role; thus, licensure will ensure basic minimal education in the subject area related to policy making.

- 3) The GHSS Board currently is participating in an Interagency Liaison Committee with DNR, Commerce and DATCP to standardize and clarify the uses of the term "licensed professionals" by each agency.

**MOTION:** Stephen Donohue moved, seconded by Wayne Lindgren, to approve the talking points, that have been proposed, with the legislators and to focus on reinstating the original language in the statute on incidental practice and the issue of exempting government employees. Motion carried unanimously.

**MOTION:** Jerry Tyler moved, seconded by Wayne Lindgren, to designate the following GHSS Joint Board members to be the primary legislative contacts to represent the Board in presenting the approved talking points: Joan Underwood, Bob Karnauskas and Jerry Tyler. Tracy Benzel will serve as an alternate if needed. Motion carried unanimously.

**MOTION:** Robert Karnauskas moved, seconded by Tracy Benzel, to finalize a document to distribute to legislators. Motion carried unanimously.

**MOTION:** Stephen Donohue moved, seconded by Tom Evans, to support the list of legislators that should be contacted and to have the designated Board members set up meetings with the legislators. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Stephen Donohue moved, seconded by Thomas Evans, to adjourn the meeting at 10:20 a.m. Motion carried unanimously.